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European and External Relations Committee

The remit of the European and External Relations Committee is to consider and report on-

a. proposals for European Union legislation;

b. the implementation of European Communities and European Union legislation;

c. any European Communities or European Union issue;

d. the development and implementation of the Scottish Administration’s links with countries and territories outside Scotland, the European Union (and its institutions) and other international organisations; and

e. co-ordination of the international activities of the Scottish Administration.
## Committee Membership

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<tr>
<td>Christina McKelvie</td>
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<td>Adam Ingram</td>
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<td>Scottish National Party</td>
<td>Scottish Conservative and Unionist Party</td>
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<td>Anne McTaggart</td>
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<td>Scottish Labour</td>
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Introduction

1. The European and External Relations Committee (the Committee) was established on 1st June, 2011. The Committee scrutinised and reported on issues and legislation relating to the European Communities and the European Union (EU), the Scottish Government's links with countries outside Scotland and the international activities of the Scottish Government.
This legacy paper describes the scrutiny work conducted by the Committee in Session 4 of the Scottish Parliament (2011-2016), and the approaches that it developed to its work. It also makes recommendations and highlights issues that its successor committee may wish to follow up in Session 5. The report specifically highlights how the Committee:

- co-ordinated the Parliament's EU Strategy for parliamentary committees;
- influenced policy and scrutinised the Scottish Government;
- responded to topical and developing EU priorities and international issues; and
- included individuals and organisations directly in its work.

### EU Strategy

The Committee considered a range of EU issues in Session 4 and acted as a ‘hub’ for implementing the Parliament’s EU Strategy for parliamentary committees. The EU Strategy aims to scrutinise the Scottish Government and its EU engagement, by adopting the following approach:

- an early engagement approach through scrutiny and intelligence gathering at early stages of EU policy making, known as ‘upstreaming’;
- mainstreaming the scrutiny of draft EU legislation to subject committees;
- the monitoring of the transposition and implementation of EU legislation by committees, known as ‘downstreaming’.

Session 4 was the first session in which the Strategy was fully rolled out. The role of the Committee within the Strategy was to oversee and co-ordinate scrutiny of EU issues as a whole for parliamentary committees. The Committee also produced a report each year on the ‘EU Engagement and Scrutiny of the Committees of the Scottish Parliament on European Union policies’, which collated the EU engagement of the committees and was debated in the Chamber.

The Committee also undertook ‘horizon-scanning’ on behalf of the Parliament’s committees, gathering intelligence to identify forthcoming issues of interest and to understand topical and upcoming policy matters. This included meeting with the ambassador to the UK of each EU member state holding the rotating Presidency of the Council of Ministers and assessing the Scottish Government’s Action Plan for European Engagement, the Committee’s ‘Brussels Bulletin’ of current EU affairs, and inviting both European Commission officials and Scotland’s MEPs to give evidence on topical issues such as the annual European Commission Work Programme and EU trade deals currently under negotiation. The Committee also scrutinised the Scottish Government’s European priorities through regular
meetings and correspondence, for example, receiving regular reports on the Joint Ministerial Committee (Europe).

6. The Committee has found the ‘horizon scanning’ part of its role to be particularly valuable, and recommends that its successor committee continues with these types of activities. Inviting MEPs to share topical intelligence from the perspective of the European institutions has been especially informative early on in a new inquiry.

7. Taking evidence on the rotating Presidency of the Council of Ministers has been a valuable opportunity for the Committee to discuss the topical challenges facing the EU such as migration and refugees, EU reform, EU trade deals and the digital single market.

8. Additionally, the Scottish Parliament nominates two full and two alternate members to the UK delegation for the Committee of the Regions (CoR ¹), who have provided an update on their activities as CoR members every six months to the Committee.

¹ CoR is the EU’s assembly of local and regional representatives that provides sub-national authorities with a direct voice within the EU’s institutional framework.
9. The Committee recommends that its successor committee evaluates all elements and resources provided for the EU Strategy with a view to identifying any potential improvements for Session 5.

Scrutinising the Scottish Government

10. The main role of Scottish Parliament committees is to hold the Scottish Government to account, a task which the Committee has undertaken in relation to the Scottish Government’s EU and international engagement. This section of the report looks at how the Committee has undertaken to fulfil this important part of its role.

EU funds

11. Scotland benefits from a number of EU funding programmes, and the Committee has monitored Scotland’s progress on several of the main funds that support Scottish activities such as the European Structural and Investment Funds (ESIF) and Horizon 2020.

European Structural and Investment Funds (ESIF)

12. The Committee’s main focus on EU funds throughout the session has been on ESIF, considering both the ‘lessons learned’ from the 2007-13 programmes and the new approaches for the programming period 2014-2020. Additionally the Committee has received biannual reports from the Scottish Government on ESIF following its initial work early this session, and recommends that its successor continues to seek regular updates as a means of monitoring the roll out and implementation of the 2014-20 programmes.

13. In 2015, the Committee was concerned to hear of the European Commission's decision to suspend payments under the 2007-2013 programming period (due to high error levels). These suspensions apply to both the Highlands & Islands and Lowlands and Uplands (LUPS) European Social Fund Programmes and to the LUPS European Regional Development Fund Programme. The Committee corresponded regularly with, and took evidence from, the Scottish Government to monitor the situation with the hope that it would be resolved as swiftly as possible. The Scottish Government has told the Committee that one of the potential consequences of the suspensions would be on the cash flow of the Scottish Government’s budget. If the suspension is not lifted by the start of the new session, this Committee recommends that its successor committee continue the work of scrutinising the Scottish Government’s progress in resolving the situation.

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2 The European Structural and Investment Funds (ESIF) Programme provides funds to help local areas stimulate growth. The funds aim to support investment in innovation, businesses, skills and employment to improve local growth and create jobs.
Horizon 2020³

14. In 2011, following the European Commission’s publication of its proposals for Horizon 2020, the Committee sought written evidence on the implications of the proposals for Scotland. The Committee held a conference on Horizon 2020 on 25 May 2012 to discuss this evidence further, with financial support from the European Commission and in collaboration with Scotland Europa and the Scottish Government. The Committee considers this to be a good example of how government and committees can work together on an important issue of mutual interest. Since the inquiry, the Committee has monitored impact in Scotland of Horizon 2020 via biannual progress reports from the Scottish Government.

Connecting Scotland

15. In 2015, the Committee conducted an inquiry into “Connecting Scotland: how Scotland can engage most effectively in a globalising world”. The inquiry considered firstly how the Scottish Government and its agencies engage internationally, and secondly how Scottish organisations engage internationally and how the Scottish Government supports them to do so.

16. The Committee suggests that its successor may wish to monitor some of the issues from this inquiry, perhaps within the context of the Scottish Government’s consultation on the refresh of its international development programme which will be held over spring and summer 2016.⁴

³ Horizon 2020 is the main EU fund for Research and Innovation programmes offering nearly €80 billion of funding available over a 7 year period (2014 to 2020) to interested parties in the EU Member States who bid for it competitively.
⁴ [https://consult.scotland.gov.uk/international-development-team/meeting-global-challenges/](https://consult.scotland.gov.uk/international-development-team/meeting-global-challenges/)
Case study of public engagement – the Connecting Scotland inquiry

17. The Committee was keen to involve all those with an interest in this inquiry, and to learn directly from individuals who have an interest in the connections that Scotland makes with the world. The Committee launched the inquiry at Scottish Ballet in Glasgow by making a promotional video with Independentance, an inclusive dance group (for people with or without disabilities) with experience of international collaboration.

18. The Committee took part in an international development workshop led by the Network of International Development Organisations in Scotland (NIDOS). This included presentations on a number of individual projects, and a development education activity led by Balgreen Primary School pupils on mobile phone use in the developing world. Other engagement activities included visits to universities to take informal evidence, including meeting with staff and students from Glasgow School of Art (GSA) and students from the GSA Singapore campus to find out about GSA’s international engagement.

Pictured above: Activities and visits for the Connecting Scotland inquiry: (Top) Pupils from Balgreen Primary School, Edinburgh. (Bottom, left-right) Network of International Development Organisations in Scotland and Members with representatives from Scottish universities
1+2 Languages Policy inquiry

19. In 2012-13, the Committee undertook an inquiry into the Scottish Government’s proposal to increase foreign language learning in primary schools (the 1+2 Languages Policy) so that all school children would learn two foreign languages from the first year of primary school onwards.

Pictured above: As part of the Committee’s Foreign Languages Inquiry, Members visited various schools throughout Scotland

20. Since the inquiry, the Committee has monitored various elements of the development and rollout of the policy - such as funding levels, language learning across secondary and primary schools, and Modern Language Assistants - via biannual reports from the Scottish Government, and has been pleased to see steady advancement in all areas. The Committee considers that it would be worthwhile for a successor committee to continue monitoring the 1+2 languages policy.
Case study of public engagement – 1+2 Languages Policy inquiry

21. The Committee considers this to be a good case study of an inquiry in which it sought the advice and views of those who would be affected directly by the policy. The first phase of the inquiry included an extensive programme of school visits throughout Scotland in which the Committee spoke to teachers, parents, and the pupils themselves to understand the degree of language learning at that time, and what changes the 1+2 policy might make. Committee members took part in language classes and workshops at the schools to gain a better depth of understanding of how children learn languages in school.

22. After the second phase of formal evidence at committee meetings, the final phase was a major conference at the Parliament to test the Committee’s inquiry findings with teachers, parents and education policy professionals before publishing its final report. The Committee also used videos to launch its inquiry and promote interim findings of the inquiry on social media.

Scottish Government’s draft Budget

23. The Committee has scrutinised the European and External Affairs sections of the Scottish Government’s draft Budget each year during this session. Although this part of the budget is relatively small, it is mainly dedicated to international development which supports many programmes in Africa and Asia delivered by external partners, as well as responding to global humanitarian crises.

24. There were frequent underspends of around £1 million in the Europe and External Affairs budget, and the Committee therefore recommends that its successor committee monitor future underspends in the Spring Revision and the Consolidated Accounts.

25. The Committee specifically requested and received information on prioritisation and value for money from the Scottish Government in relation to the various budget lines. The Committee considers that the Scottish Government has made significant progress in providing more transparent information on its international engagement activities, but that a successor committee could continue to seek more outcomes based responses within the draft Budget process.

Transposition

26. The Committee is responsible for scrutinising whether the Scottish Government has transposed EU directives into Scottish law within the required deadlines. The Committee receives a regular biannual report from the Scottish Government providing the latest information on the transposition of EU legislation into domestic law in the last six months, and on transposition currently in progress. During this
session, the Committee has found that a significant number of the deadlines for each period are being missed or delayed, and so it would recommend to its successor that this monitoring process continues.

Inequalities

27. The Health and Sport Committee has asked this Committee to monitor any developments in relation to health inequalities within its remit. This Committee suggests to the successor committee that it may wish to monitor any further work that the European Commission conducts in this area.

Topicality – Scrutinising the Impact of EU Policy on Scotland

28. Throughout Session 4, the Committee has sought to be responsive to developments in EU policy making, to assess their impact on Scotland with stakeholders, and to scrutinise the Scottish Government’s response to these policies. This section of the report looks in more detail at the range of issues to which the Committee has responded.

Human trafficking

29. In late 2013, in response to concerns at that time on the rise of human trafficking in the EU, the Committee heard evidence from the EU Anti-Trafficking Coordinator, who had been appointed in March 2011 by the European Commission. The Committee discussed the role of the Coordinator (to implement and monitor the EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016)), and heard information on the new policies and strategic work currently being undertaken to combat human trafficking in the EU.

The refugee crisis in the EU

30. In autumn 2015, the Committee held a roundtable discussion to assess the impact of the refugee crisis in the EU on Scotland, and to consider how Scotland could respond. Additionally, the Committee took this important issue to the Motherwell Parliament Day on 9 October 2015, which gave local people the opportunity to have their voice heard on topical issues being discussed at the Parliament. The Committee Convener met with school pupils and staff to explore issues around the integration of refugees and asylum seekers into local communities.

31. Having heard evidence on the issues affecting the resettlement of refugees, the Committee sent its recommendations to the Scottish Government, the UK Government and the European Commission. However, the Committee is aware that the crisis itself, and the resettlement of refugees in Scotland, are a continuing issue, and therefore recommends to its successor committee that it monitors the
Scottish Government’s actions in the medium to long-term to see whether it has been effective in resettling refugees once the refugees have had sufficient time to integrate into Scotland.

32. The UK Government has indicated that it intends to bring forward proposals to repeal the Human Rights Act 1998 and replace it with a British Bill of Rights.

33. In late 2015, the Justice Committee indicated that it had limited time to conduct an inquiry on the UK Government’s proposals. The Committee therefore decided to issue a call for written evidence on the potential implications for Scotland, with the expectation that the UK Government would publish its proposals by the end of 2015 as it had indicated.

34. However, the UK Government’s publication of proposals was postponed, with no likely date of publication given. The Committee revised its plans accordingly to use the limited time available until the end of session 4 productively, taking interim evidence on the written evidence received, and holding meetings with the UK Parliament’s Joint Committee on Human Rights and the Commissioner for Human Rights of the Council of Europe. The Committee intends to report to the UK Government with its interim findings.
35. The Committee considers that it is important that a committee of the Scottish Parliament continue to monitor and scrutinise developments in relation to any reform of human rights legislation.

EU trade deals

36. In 2014-16, the Committee considered the implications for Scotland of both the Transatlantic Trade and Investment Partnership (TTIP) and the Comprehensive Economic and Trade Agreement (CETA), EU trade deals with the USA and Canada respectively. These trade deals, and in particular TTIP, have engendered a great deal of concern amongst Scottish stakeholders on issues such as the Investment Protection and Investor-to-State Dispute Settlement (ISDS). The Committee responded by holding an extensive inquiry on TTIP and a later and shorter investigation of the final negotiation stages of CETA. The Committee has reported its findings on TTIP to the Scottish and UK Governments, and the European Commission. The Committee suggests that its successor may wish to continue to monitor progress in agreeing the TTIP and the ratification process for the CETA agreement.

Digital single market

37. The Committee has monitored the important issue of the digital single market, one of the 10 priorities identified by European Commission President Juncker in 2015. A number of issues were considered with relevant witnesses throughout the session such as digital infrastructure and broadband availability. The Committee wishes to note its concerns regarding the delays to reduce mobile phone roaming fees in the EU. This Committee recommends that its successor committee continue monitoring this ongoing issue.

Referendum on independence

38. In 2013-14, in the run up to the Scottish independence referendum, the Committee scrutinised the Scottish Government’s proposals for an independent Scotland, specifically considering membership of the European Union and other European and international implications.

EU reform and the EU referendum: implications for Scotland

39. In 2015-16, the Committee conducted an inquiry into the implications for Scotland of the UK Government’s proposals for EU reform and its decision to hold a referendum on whether the UK should remain a member of the EU. As the EU referendum will be held on 23 June, the Committee strongly recommends that its successor committee considers the EU referendum at an early meeting June.